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EXAMINER: Taofiq A. Solola, Ph.D., J.D. **FROM:** David R. Saliwanchik

COMPANY: U.S. Patent Office
Art Unit 1614

DATE: September 24, 2004

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SUBJECT/MESSAGE:

Serial No. 10/799,546; filed March 11, 2004
Attorney Docket No. ARYX-113XCD1

1. Terminal Disclaimer (2 pages).

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David R. Saliwanchik, Patent Attorney

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Patent Application
Docket No. ARYX-113XCD1
Serial No. 10/799,546

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Taofiq A. Solola, Ph.D., J.D.
Art Unit : 1614
Applicants : Pascal Druzgala
Serial No : 10/799,546
Filed : March 11, 2004
Conf. No. : 7812
For : Novel Compounds for Treatment of Arrhythmia, Synthesis, and Methods of Use

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Petitioner, ARYx Therapeutics, is the owner of the entire interest in and to the instant application. The Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to grant, of U.S. Patent No. 6,710,070, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent be the same as the legal title to the above-referenced patent, this agreement to run with any patent granted on the above-identified application and to be binding on the grantee, its successors or assigns.

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Docket No. ARYX-113XCD1
Serial No. 10/799,546

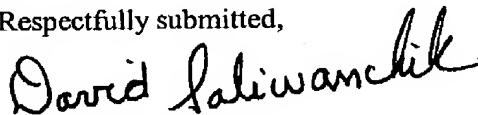
In making the above disclaimer, the petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the above-listed application in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, if found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to the grant of the patent.

The undersigned has reviewed all the evidentiary documents accompanying or referred to in the instant Terminal Disclaimer and it is certified that, to the best of the undersigned's knowledge and belief, title is in the Petitioner identified above.

The undersigned is the attorney of record.

I authorize you to charge the amount of \$55.00 (small entity) to Deposit Account No. 19-0065.

Respectfully submitted,



David R. Saliwanchik

Patent Attorney

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